

THE COURTS.

W. H. Young, the "Mac," on Trial for Murder.

A Jury Impaneled and Taking of Testimony Begun.

A Continuance Granted in the Case Against Dep Ken.

A Peculiar Cause Set Forth in a Suit for Damages Between Country Resident—Cousin—The Calendar.

Judge Smith's courtroom was yesterday afternoon crowded with as motley a throng as has ever gathered within its walls. The occasion was the trial of W. H. Young, the man who is accused of throwing a lighted lamp at a prostitute named Irene O'Brien, in a "crib" on Alameda street, on the night of April 25, setting fire to the latter's clothing and producing injuries which finally resulted in the woman's death.

In the crowd that looked and listened with more than usual interest were a number of those of the lower element—the "mecs" and frequenters of dives and poker rooms, who live in idleness themselves and depend upon the earnings of some poor creature whom they have ruined for their support.

Young, looking very meek and subdued, sat beside his counsel, R. A. Ling, Esq., and Zue G. Peck, Esq., and listened eagerly to all that was said and done, with a somewhat careworn and anxious expression upon his clean-shaven, repulsive face.

Some time was lost in securing the jury, but by 2:30 o'clock the following twelve men had been chosen and sworn to try the case: A. E. Meigs, Frederick Colby, W. F. Hall, Walter Scott, W. F. Lancaster, James Lowe, Hans Olson, Frank Gerling, J. H. Betsworth, W. C. Bell, George Carter and M. L. Albright. Deputy District Attorney Dupuy conducted the prosecution, and after the usual preliminaries, the first witness, J. H. White, was called. Mr. White, under the direction of the District Attorney, had prepared a diagram of the premises where the girl had lived, and was merely called for the purpose of explaining the drawing. Having done this he was excused.

The second witness who took the stand was Dr. T. J. McCarthy. He testified that on the night of April 25 at about 10:30 o'clock he received a message asking him to go at once to a "crib" on Alameda street. He responded without delay, and found when he arrived there, the occupant of the place, Irene O'Brien, lying upon a bed suffering frightfully. Upon examination of the patient he found that her back, from the head downward, was burned to a blister over its entire length and breadth. He did what he could to alleviate her suffering at the time, and returned again on the following morning. Then she was no better, and did not mend at all subsequently, but died on the Sunday succeeding.

On cross-examination, the witness said he had visited the injured woman before her death in company with the District Attorney, and had then told her that she would probably die, and also said to her that the District Attorney had called for the purpose of taking any statement that she might desire to make.

Counsel for the defense asked the doctor to tell what she had said in reply, but Judge Dupuy objected on the grounds that it had not been shown that the woman's mind at the time she made the statement was in the proper frame for the furnishing of evidence which could be considered as being admissible as a death-bed declaration, inasmuch as she herself did not then believe that she was going to die.

In order to lay the proper foundation for the admission of the statement, Mr. Ling questioned the doctor upon the objectionable point: When the latter replied that it was a fact that the woman did say that she believed that she was going to live another twenty-five years.

The court sustained the objections made, and the defense failed to score that material point, which they had evidently anticipated they would be able to make.

The doctor was the last witness examined and the case went over until today.

A PECULIAR DAMAGE SUIT.
A. Buhler wants damages for injured property from F. A. Thompson in the sum of \$7700. The plaintiff and defendant are both residents of the suburban district between the city. According to the complaint in the case it appears that in November, 1890, Buhler rented or leased to Thompson his home place, consisting of forty acres of land and the buildings upon the property, with the exception of one room in the house, which he reserved for his own use. The same document, which, by the way, is quite interesting, alleges that, at the time the place was rented, there were thirty acres of fine alfalfa growing upon it and an orchard of fruit trees. Also across one end of the house a climbing rosebush had spread its branches, furnishing an ornament of much beauty. Thompson was to pay \$300 per year for the use of the premises, but was not to destroy any of the vines or trees, or herd stock upon the broad area of cultivated acres. All of these conditions he did not comply with, but rather more than broke the forbidden bounds by adding insult to injury. To use the words of the complaint:

"While in possession as tenant the defendant broke open the door of plaintiff's reserved room, set his table in common, filled his coffee cups with urine, put dead mice in his coffee pot, and otherwise ornamented the room with filth."

More than this—he cut down the beautiful rosebush and several orchard trees, and ran a drove of horses and cattle upon the field of green alfalfa. For all of which acts the plaintiff asked that damages be awarded him in the sum named, together with costs of suit.

The case was on trial before Judge Clark yesterday, J. M. Kinley, Esq., and Henry Gage, Esq., appearing for the plaintiff, and W. T. Williams, Esq., for the defense.

A CONTINUANCE GRANTED.
Dep Ken, the Chinese cigarmaker who was arrested several days ago on the second warrant issued here under the Geary law, was brought before United States Commissioner Van Dyke yesterday afternoon at 2 o'clock for examination. The heathen had previously been admitted to bail in the sum of \$250, and was consequently not so desirous of securing a speedy disposition of his case as he might have been under other circumstances. The case was hardly called before F. J. Thomas, who appeared as counsel for the defendant, was on his feet with a request for a continuance on the grounds that his evidence was not in proper form for presentation. He had just obtained information, he said, that Ken, by wit-

nesses residing in San Francisco, could prove that he has been a resident of this country for over twenty years, and to summon these would require several days' time.

United States Attorney Denis stated, on his side, that if the continuance was asked for wholly upon the grounds alleged, he believed that the request was not unreasonable, but if it was for the purpose of finding evidence he certainly would object.

The Commissioner thereupon ordered that the examination be continued until June 13, at 2 p.m.

Court Notes.
Alfred W. Ehrlich, a native of Germany, and Peter Maltzen, a native of Denmark, were admitted to citizenship yesterday by Judge Shaw.

The damage suit of Koebig vs. the Southern Pacific Railway Company was still on trial yesterday in Department Three. The plaintiff rested his case shortly after 2 o'clock, when a motion for judgment of non-suit was made on the part of the defendant and argued. The ground upon which the motion was based was that the facts stated did not constitute a cause of action.

Emmel Veiles, the boy, who is accused of setting fire to the La Cañada schoolhouse, entered his plea of not guilty yesterday in Department One. Time for trial was set for July 5.

New Suits.

Preliminary papers in the following new suits were filed with the County Clerk yesterday:

Los Angeles Terminal Railway Company vs. J. B. Blanchard et al.; suit to condemn the right-of-way through lands at Garvanza.

W. Rector vs. N. E. Gaddy; suit on promissory note for \$2000.

Lizzie Henderson vs. the London and Lancashire Insurance Company; suit to recover \$1500 on insurance policy.

Petition of H. A. Andrews for appointment as guardian of Henry Andrews, a minor.

Today's Calendar.

DEPARTMENT ONE—Judge Smith.
People vs. W. H. Young; murder; on trial.

DEPARTMENT TWO—Judge Clark.
Estate of John Hancock, deceased; petition for sale of realty.

Estate of guardianship of Seth White, an incompetent; petition for sale.

Estate of N. Saveria, deceased; confirmation of sale.

Estate and guardianship of Lucien D. Elderly, a minor; confirmation of sale.

Estate of R. A. Juston, deceased; will.

Estate of O. A. Page, deceased; petition to remove administrator, etc.

Estate and guardianship of L. Rivera; citation to guardian to render account.

Koebig vs. the Southern Pacific Company; damages.

DEPARTMENT FOUR—Judge Van Dyke.
Clear.

DEPARTMENT FIVE—Judge Shaw.
Clear.

DEPARTMENT SIX—Judge McKinley.
Clear.

Cleanliness as an Antidote For Arsenic.

In Styria and Carinthia there is much arsenic eating among the peasants. The women take it to give themselves a good complexion and to make their hair fine and glossy. The men take it because they believe that it gives them wind in climbing the chase after chamois. There is nothing of this sort in Cornwall and Devon.

In Styria and Carinthia it is known that an arsenic eater can never be broken of the habit, and that if arsenic be compulsorily kept from the eater death rapidly ensues. It is believed in the Tamar—and this is perhaps true—that an arsenic worker is fit for no other work. He must remain in this occupation. Health and breath fail him at other employments. Eventually it may be that chronic arsenical poisoning ensues. But this may be staved off, if not wholly prevented, by cleanliness, by care taken not only to wash in the "changing house," but to bathe freely at home. As one of the foremen said to the writer, "Against arsenic the best antidote is soap taken externally."—Chambers' Journal.

French Art In Dress.

I will venture to say that there is not a Frenchwoman who pays any attention to dress at all who has not a perfectly distinct idea of what she can wear and what she knows what are her good points and what are her poor ones and how to bring the good ones into relief and skillfully conceal the others. And even when she is uncompromisingly plain, she audaciously makes the most of her plainness and becomes what is called a belle laide. It was this kind of a woman that Balzac had in mind when he said that homeliness could be made as great a charm as beauty if women only knew how to use it.

Are her arms too long, she wears sleeves that "cut them in two." Is her waist too short, she never wears a belt. And above everything else she tries to accent anything individual about herself—to give herself a little of the "magnetism of personality."

No tiger which has yet lived in Regent's park has been so completely tamed as their neighbor from Tookistan. Taking into account the hardships endured by a wild animal in its transport from the distant steppes of central Asia, across the Caspian sea, thence by rail to the Euxine and finally by ship to England, it is difficult to maintain the belief in the "innate ferocity" of the tiger after making the acquaintance of Warsaw. When he was first brought by an English officer who discovered him in a cage waiting for a purchaser on the eastern shore of the Caspian sea, the tiger was already an adept at "tricks." He would pick up and pour over his head a basin of water and was as tame as a poodle. The animal remembered and recognized his first owner long after he had found a resting place at the zoo.—London Spectator.

A Neat Rebuke.

He (whose breath shows that he has been indulging in intoxicants)—Aren't you going to kiss me, darling?

She—How can I, Harry, without breaking my temperance pledge?—Boston Transcript.

Your Summer Vacation

WHERE WILL YOU SPEND IT?

WHY NOT GO TO THE HOTEL DEL CORONADO?



You escape the heat and can enjoy life: fishing, driving, surf bathing, or bathing in the hot and cold salt water swimming tanks, the finest on the coast.

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ROUND TRIP TICKETS
From Los Angeles, Pasadena, Redlands, San Bernardino, Riverside, \$21.00, including one week's board, in \$3.00 or \$3.50 rooms, with privilege of longer stay at \$2.50 per day, will make it the most fashionable as it is the most agreeable summer seaside resort in California. For information and descriptive pamphlets, rates, etc., apply at 129 North Spring st., or address:

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The physicians of this institution are specialists of the highest standing, regular graduates, legally registered. They treat as specialties all chronic, nervous, blood and surgical cases, and are very successful. In the diseases of the genito-urinary system they guarantee a cure. Special blood and skin diseases by their methods are speedily and permanently eradicated from the system. Fistula and rectal diseases are also treated successfully. All medicines used are compounded in their own laboratory exactly to suit each case. Consultation in person or by letter free and confidential. Office hours from 10 to 12 a.m. and from 2 to 4 and 7 to 8 p.m.; Sundays, 10 to 12 a.m. Medicine sent in private name if preferred.

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Advice of resident physician gratis. String and brass band, dancing, etc. The route into the SPRINGS can be learned of the nearest ticket agent.

For rates, pamphlets, etc., write to MINERAL WATER OFFICE, No. 22 Fourth St., S. F. BARTLETT SPRINGS, Lake County, Cal.

Those unable to visit the springs will be greatly benefited by drinking the water at home. For Sale at Drug Stores and Saloons.

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—Can always be had at—
P. H. Mathews, N.E. cor. Second and Main.

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Wholesale and Retail Dealer in
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J. T. Sheward

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TAN and Black Broadcloth, ordered forty days ago, just in. They have been hard to get; the market has been almost depleted of the best colors for cape-making—plenty now of tans and blacks. We cut, fit and baste Capes free for all who buy their material here. Carriage Parasols, new, \$1, \$1.50, \$1.57, \$2—popular prices. The trade we cater for is the kind that buy the medium class of goods. Medium prices. Not trash, not high-class novelties. We figure for the great majority; are you among the number? All-wool Capes, \$2.50, \$3.50, \$5, \$6, \$7.50, \$8, \$9, \$10; a few choice styles for \$12.50 and \$15 that are extra value. Have you examined into the merits of the extra long-waisted Royal Worcester Corset for \$1.25? Compare it with any other make at \$2. We are building up the biggest trade in Los Angeles. This corset for \$1.25 is a strong bid for your corset trade. Mark well the price; examine the length, the shape and the style and quality of the corset; take one home on trial; if not more than satisfactory you may return it and the money will be refunded. This is our way to do business. We gain trade by liberal ways, and the more liberality shown the more the trade grows. We close Saturday nights; we have no intention of ever opening our doors again in the evening. It is not the pound of flesh we want from our employees; we aim to make this the most pleasant place in the city to work in; to have the clerks say a good word for the business, and we believe they do. Do you need Millinery? It is the time of year to close out everything in Summer Millinery. We have done the largest millinery trade in the existence of this business, and are now prepared to take a loss on the balance of the stock. Do you read our advertisement in Sunday's paper? That full page has become famous. Next Sunday the reading will be mighty interesting for bargain-hunters, and they will not be in the least disappointed. We believe in doing everything well; when you go after bear bring the hide home with you. Next Sunday we will go after a big trade and we will bring it. You will be here to reap the benefit.

OUR FINE LINE OF
SUMMER SUITS

Is still complete, and we can please you with an elegant suit for the season.

Muller, Shuck & Co.
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Buy Your Summer
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In fact, almost any hat you want.

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We have all the new styles in flannel, silk, linen, etc.

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Who Has the Money? Who Has the Gold? Is the Cry!

We had the money and exchanged it for carloads of Clothing, Shoes, Hats and Furnishings at such an advantage as to almost appear incredible; but the goods are here to speak for themselves. Goods that are as fine as any made in the United States sold to us at a great sacrifice.

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OF TREMENDOUS PROPORTIONS

WILL BE INAUGURATED TOMORROW, SATURDAY, at 8 O'clock a.m.

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Men's Suits

Men's Suits that were made to sell at \$11, \$10.50 and \$10, of stylish and durable materials, we are unloading at.....

\$7.45

Men's Suits that were made to sell at \$12.50 and \$12, Oregon and California Cassimeres, we are unloading at.....

\$8.45

Men's Suits that were made to sell at \$15, \$14 and \$13—these are single-breasted Suits and Cutaway Frock Suits, made of all the new and fashionable materials—we are unloading at.....

\$10.75

Men's Suits that were made to sell at \$17, \$16 and \$15, all-wool tailor made suits, in the latest shapes of Frock and Sack styles, and can be worn with pride and satisfaction, we are unloading at.....

\$12.00

Men's Suits that were made to sell at \$18 and \$19, of imported materials, in single and double-breasted Suits and Cutaways, we are unloading at.....

\$13.50

Men's Suits that were made to sell at \$22.50, \$21 and \$20, in Prince Alberts, single and double-breasted Suits and Cutaway Frock styles, materials, imported French Worsteds, English Clays of all colorings, perfect fit and faultlessly made, we are unloading at.....

\$15.00

Men's Suits that were made to sell at \$25, \$24 and \$23, no finer or better suits, consisting of all the different materials for dress, for which your tailor will charge no less than \$35 to \$40, we are unloading at.....

\$18.00

Unloading

Boys' Suits

Children's Short Pants Suits, neat colors, 4 to 15 years, made to sell for \$2, we are unloading at.....

\$1.25

Children's Short Pants Suits, stylish made, fast colors and good wearers, that were made to sell at \$3, we are unloading at.....

\$1.95

Children's all-wool Short Pants Suits, in single and double breasted styles, that were made to sell at \$4, we are unloading at.....

\$2.45

Children's Short Pants Suits, plain colors or genteel mixtures, all the latest styles; made to sell for \$5.00, we are unloading at.....

\$3.95

Children's Short Pants Suits, made from the very best wear-resisting material, in all colors, that were made to sell at \$6, we are unloading at.....

\$4.75

Children's Short Pants Suits, made from imported fabrics, very nobby; made to sell at \$7, we are unloading at.....

\$4.95

Children's Short Pants Suits, extra fine imported and domestic fabrics, in all colors and styles; made to sell at \$7.50, \$7 and \$6.50, reduced to.....

\$5.95

Boys' good-wearing Knee Pants, made from stout material, that were made to sell for \$10, now.....

15c

Boys' Woolen Knee Pants, made from serviceable material and will give good wear, made to sell at 75c, now.....

50c

Unloading

Gents' Furnishing Goods

Men's bleached or brown Drilled Drawers, elastic anklets, made to sell for 50c, now.....

25c

Men's Balbriggan Underwear in all the late solid shades, made to sell at \$1.50 a suit, now.....

35c each

Men's Stanley Madras Shirts, laundered collars and cuffs, soft bosoms, in all the latest spring colorings, made to sell at \$1.25, now.....

75c

Men's Unlaundered Shirts, double reinforced front and back, 4-ply linen bosoms, made to sell at 50c each, now.....

33½c

Men's full-size Night Robes from Wansutta Muslin, made to sell for 75c, now.....

45c

Men's British Brown Socks, regular weight, fine gauge, seamless, made to sell at \$3 per doz, now.....

\$2.00

Men's two-piece Bathing Suits in all colors, that were made to sell at \$2, now.....

\$1.50

Men's two-piece All-wool Bathing Suits in all the new shades, that were made to sell at \$2.75, now.....

\$2.00

Gents' Neckwear in Tecks and Bows, in latest designs, made to sell at 50c, now.....

25c

Gents' Scarfs in spring patterns, made to sell at 20c, now.....

10c

Unloading

Shoes

Ladies' Flexible Black Dongola Oxfords, in all the different toes and widths, which were made to sell at \$2.25 and \$2, we are unloading at.....

\$1.50

Ladies' Flexible, Tan Goat Oxfords, tips to match, in the latest toes and made on fashionable lasts, made to sell at \$2.25 and \$2, we are unloading at.....

\$1.50

Ladies' Flexible, Tan Russia Oxfords, with tips to match, all widths and sizes, made to sell for \$2.25 and \$2, we are unloading at.....

\$1.50

Ladies' Flexible White Canvas Oxfords, white kid trimmed and tips to match, made to sell for \$2.25 and \$2, we are unloading at.....

\$1.50

Ladies' hand-turned Black Dongola Oxfords, artistically designed tips and latest styles, which were made to sell at \$2.50, we are unloading at.....

\$1.75

Ladies' hand-turned black, gray and brown undressed Kid Oxfords, in all the latest lasts, that were made to sell at \$3, we are unloading at.....

\$2.00

Ladies' hand-turned black Dongola Oxfords, with all the latest tips, in all widths and sizes, made by the celebrated makers, George E. Barnard and Curtis & Wheeler, made to sell at \$3.50, we are unloading at.....

\$2.50

Ladies' hand-made, cloth top, Dongola Button Shoes, made by the Utica Shoe Co., all sizes, styles and widths, made to sell at \$3.25 and \$3, we are unloading at.....

\$2.50

Ladies' Vici Kid hand-made Button Shoes, with French calf, patent leather tips, all sizes, styles and widths, made to sell at \$3.25 and \$3, we are unloading at.....

\$2.50

Unloading

Men's Pants

Men's excellent Working Pants, made to sell at \$2, now.....

\$1.45

Men's Business Pants, made to sell at \$3.50 and \$3, now.....

\$2.45

Men's Worsteds and Cassimere Pants, nice and stylish patterns, made to sell at \$5 and \$5.50, now.....

\$3.45

Men's extra fine fancy worsted Pants, made to sell at \$6 and \$6.50, now.....

\$4.45

Unloading

Boys' Furnishing Goods.

Boys' Waists, in odds and ends, that were made to sell at 25c, now.....

10c

Boys' Percalé Waists, in all the latest Spring patterns, all sizes, that were made to sell at 40c, now.....

25c

Boys' Mothers' Friend Laundered Shirt Waists, in light and dark colors, all sizes, that were made to sell at \$1, now.....

65c

Boys' Fine Laundered Star Percalé Shirt Waists, in all the new Spring designs, that were made to sell at \$1.25, and \$1, now.....

75c

Boys' Silk-striped Flannel Waists, sizes 4 to 9, that were made to sell at \$1, now.....

50c

Unloading

Hats

Men's serviceable Straw Hats, worth 75c, now.....

35c

Men's stylish Straw Hats, worth \$1, now.....

45c

Men's ventilated Straw Hats, worth \$1.25, now.....

75c

Men's ventilated Straw Hats, worth \$1.50, now.....

\$1.00

Men's ventilated Straw Hats, worth \$1.75, now.....

\$1.25

Men's ventilated Straw Hats, worth \$2, now.....

\$1.50

Men's new style Fedoras, in all colors, worth \$2, now.....

\$1.45

Men's fine Fedoras in the latest Spring coloring, worth \$2.50, now.....

\$1.65

Men's extra fine quality Fedoras, in all styles, worth \$3, now.....

\$2.00

Men's Derby Hats, in all the latest Spring shades, worth \$2.50, now.....

\$1.50

Men's brown and black French Crush Hats that were made to sell at \$2.50, now.....

\$1.50

Men's Office Coats that were made to sell for 65c, in stripe and check materials, we are unloading for.....

25c

Men's Seersucker Coats, in all the different colorings, which were made to sell at 85c and \$1, we are unloading at.....

50c

Men's Office Coats that were made to sell for 65c, in stripe and check materials, we are unloading for.....

25c

Men's Seersucker Coats, in all the different colorings, which were made to sell at 85c and \$1, we are unloading at.....

50c

EXPLANATORY---Of course there is a loss somewhere, but, remember, we do not claim the loss is with us, not by any means, but What We Do Claim is that, owing to a fortunate purchase, we are able to sell these goods at a lower price than ever before known.

We Court Investigation and Challenge any Dealer in this State to Compete with Us in Quality and Price.

The Largest Clothing and Shoe House in the West!

Jacoby Brothers

5000 Pair of Bedroom Slippers to be Given Away during the sale. A pair goes free of charge with every purchase of Men's and Ladies' Shoes.



PASADENA.

Mr. Werner Declines to Establish a Precedent.

He Pays \$200 Fine for Violating the City Ordinance—A Change in Field Day Location—Other News.

The case of the people vs. H. C. Werner, for violation of ordinance No. 195 was called before Recorder Roscoe at 10 o'clock yesterday, and the city is \$200 richer therefor.

Unwarranted interest centered in this case because it was thought that it might be made a test of the jurisdiction of the present Recorder. Roscoe, however, has decided against the advice of his counsel, Capt. C. M. Simpson, therefore, he insisted upon changing his plea. A plea of guilty was, therefore, substituted for its opposite, of older date, and the defendant laid himself upon the mercy of the court, promising, also, not to repeat his offense.

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SANTA BARBARA COUNTY.

Programme of Graduating Exercises—Serious Accident.

Following is the programme for the commencement exercises of the High School on Thursday evening, June 16, at the opera-house:

Violin duet, "Oberlander" (Gungl)—Miss Jordan and Mr. Franklin.

Salutatory, "Conscience"—Mabel G. Hutchinson.

"Unhitched Horses"—James J. Freeman.

Steel Pens and Pens That Steal—Ada M. Cook.

Vocal solo—Miss Roth.

"The High School of the Future"—Allison Col.

"Character is Power"—Terese C. Aguilar.

Violin solo, "Fantasia de Ballet" (De Beriot)—Miss Jordan.

"The American Indian"—Charles L. Thompson.

"What's Past is Prologue"—Horstene Levy.

Vocal solo—Miss Roth.

"Distance Lends Enchantment"—Leona E. Andrews.

Editorial, "Theory of Annexation"—J. Edward Rainer.

Presentation of Diplomas—Edward Iverson.

BICYCLE vs. DOG.

J. H. Burson, of the shoe firm of Burson, Lamb, met with a severe accident Thursday morning while riding down his business on a safety bicycle. Mr. Burson was coming down State street at a rapid rate, and in front of the First National Bank, one of the vagrant curs that infest the city ran out suddenly in front of the wheel. In the collision which followed the dog was killed, and the bicycle was wrecked, and Mr. Burson was dashed to the pavement, striking on his head. He was picked up totally unconscious and blood flowing from his nose and mouth. Dr. Knox was called and did all in his power to avert serious trouble. Mr. Burson recovered, and was able to get up yesterday, and the city is \$200 richer therefor.

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ORANGE COUNTY.

The Marital Troubles of Sam Dungan, the Ball Player.

Complainant in a Divorce Suit Against His Wife—A "Practical Joker" on a Constable—News Notes and Personal.

The people of Orange county who are familiar with the strained domestic relations of S. M. Dungan, the great ball player, who is making his mark on the National League diamond, as a valued member of the Chicago, will not be surprised when they read the following paragraph, which appeared in a recent issue of the Chicago Herald, under the head of "Their Love has Faded."

"Your Uncle Anson's popular colt and right-hander, Samuel M. Dungan, is now the complainant in a divorce suit filed in the Circuit Court. So far as can be learned Dungan met his wife in Los Angeles, Cal., while there in the early part of 1891. His home is in Santa Ana, and he is now in the city attending the practice games of the team and evidently fell in love with the ball player. She set her cap for him and Dungan fell an easy victim to her charms. They were married in Los Angeles March 13, 1891. For some reason Dungan refused to live with his wife and left her at home when he went away with the team. He continued, however, to send her money for her support. Mr. Dungan grew tired of living alone and followed her husband to Milwaukee. She stayed there several days, and her escapades are said to have been the talk of the town. He followed her to an engineer by the name of Fred Hilton, who is mentioned in the bill. In another city she met a man by the name of Peattie and cohabited with him. The bill paid his wife's expenses back to Santa Ana. On arriving there, it is alleged, she took up with one with whom she lived. Only a short time ago she began divorcing proceedings against Dungan in California. Her bill charged desertion. Dungan defended the bill, but the court found for the plaintiff. The bill was dismissed."

Dungan's many friends, not only in Orange county, but the whole State, sympathize with him in his unfortunate venture in married life, and hope he will be successful in severing the legal bonds which have heretofore bound him to what the people here consider an Oakland adventure.

Mrs. Dungan made her home in this city for several months, and she is now in an enviable reputation.

"FOR GOD'S SAKE LET ME IN."

It now transpires that the "tenderfoot" who was given such a hard time by Arizona Charlie's hand of cowboys last week, while in the city, the details of which were published in THE TIMES, went north instead of south when he fled from this city, imagining that a whole tribe of Indians was after his scalp. When last seen in this city he was going down Fourth street toward the Santa Fe depot at a record-breaking pace, and it was a matter of some interest to the city, the details of which were published in THE TIMES, went north instead of south when he fled from this city, imagining that a whole tribe of Indians was after his scalp. When last seen in this city he was going down Fourth street toward the Santa Fe depot at a record-breaking pace, and it was a matter of some interest to the city, the details of which were published in THE TIMES, went north instead of south when he fled from this city, imagining that a whole tribe of Indians was after his scalp. 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BRIEFS NEWS AND BUSINESS.

Weather Bureau.
 U. S. WEATHER BUREAU, LOS ANGELES.
 June 8, 1893.—At 5 a.m. the barometer registered 29.80; at 5 p.m., 29.85. Thermometer for compass, 77°; maximum, 77°; minimum, 56°. Character of weather, partly cloudy; rainfall for past twenty-four hours, .00. Barometer reduced to sea level.

The Macabees of Southern California will celebrate their twelfth anniversary of their order by giving a grand excursion to Redondo Beach Saturday and Sunday, June 10 and 11. Saturday will be devoted to aquatic and athletic sports, finishing up with a grand ball at the Redondo Hotel. Admission to ball by card only. No extra charge to Macabees holding Macabee tickets. Sunday religious exercises will be held at the Chautauqua building. Special trains for those holding Macabee tickets will leave Redondo depot, corner Grand and Jefferson streets, as follows: Saturday at 9 a.m., 1:45 p.m., and 7 p.m. Returning leave Redondo at 11 p.m., making connections with the cable and Main-street car lines by special arrangement. Sunday leave at 9 a.m. and 1:45 p.m. Tickets for round trip, 50¢. For sale by Sir Knights of the Macabees.

Purchase your tickets to the Macabees' celebration, Saturday and Sunday, over the Santa Fe of the following authorized agents: C. J. Walter, No. 214 1/2 South Spring street; William Junger, druggist, Main street; Ed Webster, Golden Eagle clothing store, C. A. Williams, 103 North Spring street; C. P. Dandy, J. W. Arnold, East Los Angeles; E. M. Guthrie, W. W. Everett. This is official, so be governed accordingly.

Mammoth wharf at Port Los Angeles now nearing completion, and the longest and one of the best in the world. From it a superb marine view and excellent fishing. Pompano are very plentiful at the present time. Southern Pacific Sunday trains run through to the wharf. Round trip, 50¢. Hourly trains between the wharf, Santa Monica Cañon (that paradise for picnickers) and Santa Monica.

A titanic explosion at the Government quarry, Catalina Island, on Friday night, over three thousand pounds of powder blasting the face of a cliff 500 feet high into the ocean by the aid of electricity, on signal from the steamer Albatross. At 5 a.m. special train from Arcadia depot. Round trip, \$2.50. Three hours at Avalon after the explosion. Sale of tickets limited; secure them now.

Ladies' lace hats \$3, stock first-class, new stylish goods, not ask high prices, time is past for high prices for fine millinery. No auction or jobbing. Hats, hats, hats, not sold out, business not for sale, our trimming places, shows style, new sailors from New York few days, parlors first-class, best attention. Mrs. E. W. Thompson, 116 Commercial street.

Saturday and Sunday will be great days at Redondo Beach. The Macabees and friends will all be there. The Southern California Railway (Santa Fe route) will run a special train Sunday, leaving First street station at 8:45 a.m. The regular trains will leave Santa Monica and Sunday at 9:05 and 10:00 a.m., and 1:30 and 5:25 p.m.

Macabee excursions Saturday and Sunday, June 10 and 11, to Redondo Beach, via the Redondo Railway. Get your tickets of some member of the order. Tickets, including ball at Redondo, 50¢. For time of special Macabee trains leaving see other paragraph in this paper.

One fare for the round trip, Sundays, to all stations on the Terminal Railway. Go to Alhambra and see the great electric railway up to Rubio Cañon and Mt. Wilson. Trains leave Los Angeles at 10:30 a.m., 2:35 p.m. and 4 p.m. Last train leaves Alhambra at 5:00 p.m.

Today and tomorrow will witness the greatest millinery sale that has ever occurred in Los Angeles, at the Delight, 307 South Spring street. Trimmed hats and novelties will be sold absolutely regardless of cost. We are retiring from business. Call and be convinced.

Fifty cents round-trip on the Los Angeles Terminal Railway, Sunday, to Long Beach and San Pedro. You can visit both places on one ticket. Fine wharf, 1600 feet, and fine fishing. Long Beach, 10 miles and bathroom open at Terminal Island.

Lovers of art will be interested in the beautiful wall tapestry to be seen in the show window of the Los Angeles Furniture Company. It was designed by G. G. Garibaldi, and executed by Los Angeles ladies for the World's Fair. It is valued at \$1500.

The Y.P.S.C.E. will give an entertainment and concert supper this evening at the Temple street Christian Church. Admission 10 cents; supper 15 cents. Bachelors' comfort, women's weapon, pickled packages, etc., will be served.

Five dollars will take you the round trip to San Diego, Saturday or Sunday. Tickets good returning Monday over the Surf line of the Southern California Railway (Santa Fe route). Trains leave First street station at 8:15 a.m. and 4:30 p.m.

The commencement exercises of the College of Medicine will be held at the Los Angeles Theater, Friday evening, June 10, at 8 o'clock. There will be addresses. Music will be by Melrose Orchestra. The public are cordially invited.

The Malt Street Improvement Company invite bids for concrete and cement work in their new building until Wednesday next at noon. Plans and specifications at the office of H. Todd, No. 127 Malt street.

Do you need a tonic or blood purifier? At this time of the year Bellan's La Grippe Cure is the best thing you can get. It will strengthen you up and keep you in health. Wanted, fifteen street cleaners and carriers immediately, place work. Apply at factory. Also stitchers. Alhambra Shoe Manufacturing Company, Alhambra, Cal.

Tickets for Congressional Sunday-school excursion to Redondo temple, are for sale at Hanna, Burch & Danksin's, grocers, No. 218 South Spring.

Closing out at cost entire stock of fine, artistic gas fixtures. Pacific Crochery and Tinware Company, No. 226 North Los Angeles street.

Half rates on the Southern Pacific. One fare for the round trip to points in Southern California every Sunday.

Go along and enjoy a day Sunday with the Macabees at Redondo. Special train on the Santa Fe at 8:45 a.m.

Full assortment of choice lunch and picnic goods at Hanna, Burch & Danksin's, No. 218 South Spring.

Two dollars and five cents for the round trip, Sunday, over the kite-shaped track of the Santa Fe.

Just received a car of Bethesda Mineral Water. H. J. Woolcott, agent. Also Duffy Malt.

Mantle, tiles, office fittings, hardware, lumber, H. Bohman, 514 South Spring.

Fire ins. reduced. Not in "compact." Baskerville, 218 N. Main, Lanfranco bldg.

New Jewell vapor stoves and many other kinds, at A. B. Chapman's, 414 S. Spring.

James Mead's \$3 shoes, sole agents, Boston Shoe Store, corner Main and Second.

Highest of all in Leavening Power.—Latest U. S. Gov't Report.

Royal Baking Powder ABSOLUTELY PURE

nine from rooms Nos. 2 and 4, by a score of 6 to 3. The feature of the game was the battery work of Freal and Baxter.

There will be a general meeting of the committees on the Irrigation Congress at the Chamber of Commerce at 3 o'clock this afternoon.

A free lecture will be given at the Church of the Advent, on Carr street (next south of Pico) between Main and Hill, on Sunday evening, June 11, at 7:30 o'clock. Subject "Breakers Ahead."

A "Sojourner" at Alhambra has written THE TIMES complaining about the treatment accorded to a female evangelist who recently paid a soul-saving visit to that pretty suburb. The correspondent thinks she hurt somebody's feelings by praying that the Lord would make the people as lovely as her locality.

A scheme for an excursion to the World's Fair by members of the Chamber of Commerce yesterday afternoon. The plan contemplates the admission to the excursion of only the members and their wives; also that they will leave here about September 1, so as to be at the fair on California day, which will be on September 9.

Father Fisher of Pomona will preach in the old church at the plaza this evening at 7:30 o'clock. The occasion will be the feast of the Sacred Heart, and the second anniversary of the league in the above-mentioned parish. The church choir, under the direction of Prof. J. J. Hayes, will be assisted by a full orchestra.

The usual unpleasant duties connected with a police tribunal were pleasantly relieved by a certain happy event in Justice Seaman's court yesterday. Max Roth and Mathilda Rusche were driven to that place in the afternoon, and it took Justice Seaman only about two minutes to make them man and wife. Mrs. Downey acted as bridesmaid.

The trustees of the Whittier Reform School appeared before the Board of Supervisors yesterday. They presented a report on the question raised on the cost of maintaining the inmates of that institution. They presented a statistical communication and invited the supervisors to visit the school themselves to verify the truth of the statements made. It is understood that the invitation will be accepted.

PERSONALS.
 W. L. Dodge and wife of San Diego are in the city.
 Earl B. Coe and family of Denver are at the Hollenbeck.
 Dr. C. L. Bard and wife of Ventura are stopping at the Madras.
 Mr. and Mrs. Frank Day of Sacramento are stopping at the Hollenbeck.
 F. F. Gould and wife of San Bernardino are registered at the Westminster.
 Lieut.-Col. D. Vanacab of the 24th Infantry, stationed at Fort Bayard, is registered at army headquarters. He is on a sick leave, and is staying at Santa Ana.
 D. S. Brown, John T. Teel, P. W. Dooner, Len Thompson and O. A. Kunkel left yesterday for a two weeks' camping trip on the headwaters of the San Gabriel River.

IN SOCIAL SPHERES.
 One of the pleasant social events of the week was a surprise party given Miss Desah Thomas of No. 316 Winston street by a party of her friends, who came in on a hay-wagon, especially prepared for the occasion. The surprise was complete, and for several hours all had an enjoyable time. Those present were: Mr. and Mrs. Hobbs, Mr. and Mrs. J. W. Jones, Mrs. Potter, the Misses Ruth and Eva Bryan, Agnes Fiske, Sala West, Rachel Kianouse, Nettie Jay, Maggie Bioreno, Messrs. D. and S. Fiske, Harry Barker, Frank and Clarence Albright, Cliff and Cloyd Shuler, E. Burch, George Bryman, Mr. Shay, Mr. and Mrs. Chauvet, Mr. and Mrs. W. L. Morgan, Mr. and Mrs. R. T. Whittlesey, Linnie Morgan, Dashed Thomas, Arthur W. Kinney, Norval Morgan, E. B. and A. B. Thomas.

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THE EAST SIDE.
 Church Dedication Today.—News and Personal Notes.
 The Sacred Heart Church on Pico street will be dedicated today. There will be a special musical service and the dedicatory sermon will be preached by Rev. Father Hartnet.
 Mrs. J. B. Hayes of San Diego, who has been visiting her mother-in-law, Mrs. T. Hayes, on Water street, has returned to her home.
 Mr. and Mrs. A. L. Warren of Sharpville, Pa., are the guests of M. D. Gray at No. 305 West street.
 Attorney Frank P. Flint had a very young lawyer arrive in his house last Tuesday. The new arrival weighs ten pounds and Frank is proud.
 A pound social is to be given this evening at the residence of C. E. White.
 The choir of the Sacred Heart Church gave a literary and musical entertainment Tuesday evening at the Banquet hall. After the presentation of the programme refreshments were partaken of.

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 Twenty per cent to 35 per cent less than elsewhere. It would pay you to get our prices before going where you are sent to. Work guaranteed for money refunded. War-shut, leading optician, 167 North Spring st.

THE W. G. FURRY COMPANY.
 Sell the best filter in the world—the Pasteur—and every description of tin, sheet iron, nickel, silver-plated, wooden and copper ware. Nos. 129 to 135 North Spring street.

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 Gents' woolen wear.
 Lockhart's.
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AVAILON lots for sale. G. K. Shatto, city.

LET Korn & Kantowitz make your clothes. 214 South Broadway.

GREAT bargains in millinery at 235 South Spring. Every article reduced.

GO to the Tabor Carriage Works for carriage qusters, robes and whips cheap.

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Dr. C. L. Bard and wife of Ventura are stopping at the Madras.

TWELFTH YEAR.

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JUNE 10.

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The price of the Edition to those who take advantage of this special offer is only \$1.96 per Volume for the 25 volumes, which is less than one-fourth the price of the original edition.

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THE TIMES E. B. DEPARTMENT,

347 S. SPRING ST.

THE CITY'S RIGHTS.

Judge Shaw's Opinion in an Important Water Suit.

The Question of Riparian Ownership Discussed at Length.

The Plaintiff Sought for an Injunction on Technical Grounds.

The City Declared to Have Almost Exclusive Right to the Waters of the River Under Any and All Circumstances.

Judge Shaw yesterday rendered an important opinion in the action of the Vernon Irrigation Company against the city of Los Angeles and H. M. Ames. There were two controversies in the case, one between the plaintiff and the city, and the other between the plaintiff and Ames. The contention of the plaintiff against the city was that the right of the city to take water from the Los Angeles River was limited to the amount that had been heretofore actually necessary to supply the city and its inhabitants, and that the city was not entitled to take more water than it had formerly used, but must resort to the right of eminent domain and condemn and pay for the right to take additional water; that until that was done such proprietors and appropriators might take the surplus in excess of what the former used, and restrain the city from increasing its diversion; that the city had been taking and selling water for the irrigation of lands outside the city limits, and that it had no power or right to make such disposition or use of the water; that the plaintiff is a riparian proprietor on the river, and has also made an appropriation of its waters under the Civil Code, and as such proprietor and appropriator is entitled to enjoin the city from using more water than it has previously used, and to prevent it from selling any water for use on outside lands. An injunction was prayed for accordingly.

In his decision in the matter the Court states:

THE OPINION.

These are questions of great importance. It has been generally supposed that the city had the right of absolute control over the water of the river, and could use and dispose of it as it pleased and for any purpose, or allow it to flow down the river. If there was no present use for it, without thereby losing its right to a greater use whenever it so desired. A number of years ago the city's right to all the water of the river was disputed by the owners of the lands along the river north of the city, in the Los Pelis ranch, who claimed riparian rights superior to the right of the city. These claims have all been settled either by litigation or by the city purchasing the adverse claims for the purpose of quieting its title. I do not think there has ever been any controversy, prior to this one, concerning the water flowing through the city to lands below. This is doubtless owing to the fact that until recently there has never been any water flowing in the river south of the southern boundary of the city during the irrigating season, except in a few unusually wet years. But since that time, when made along the banks of the river the effect has been to force the surface water hitherto percolating under the sand of the river bed, and thereby cause a stream which did not formerly exist to flow down the river during the entire season to a point about fifteen hundred feet south of the city limits. The evidence shows that after the 1st of June, in ordinary years, prior to the making of the levees, the water ceased to flow in the river below Seventh street, and that for some time before the 1st of June the stream was usually too small to be of much value to any person. It is principally the water which these levees have thus caused to flow in the river that the plaintiff seeks to appropriate, and which it claims the city must allow to remain in the stream for its benefit. The plaintiff claims that the water which flows in the river is caused to flow in the river bed after the natural flow has ceased to its intent and purposes an artificial stream. It is true it flows in the same place where the water previously ran naturally, but that fact alone does not make it a natural water course. It is not the place where it flows, but the power or cause which brings it there, and the place from which it comes that determine whether the stream is natural or artificial. If a stream of water comes from under the surface of the ground, and is brought there by the levees, by the works of man and not by nature, the right to use the water is not the same as those which attach to any other artificial stream.

There has been much discussion and some conflict and confusion in the authorities in regard to the ownership of percolating and subterranean waters, and the question cannot, I think, be settled by any of the cases cited. I think some of the authorities go much too far in giving to the owner of the soil the absolute ownership of percolating waters. The evidence in this case leads down in some of the decisions is that the owner of the land in which a watercourse rises has a right to dig ditches and tunnels in the ground above the head of the stream, and thereby intercept the percolating water which feeds the streams and appropriate it to his own use, although the natural stream is absolutely destroyed thereby. These principles, if carried to this extent, would unsettle the titles to some of the most valuable properties in Southern California. There is scarcely a water right in this part of the State that it would not put in jeopardy.

With the great waste to which running water has now attained, the relatively small expense of digging ditches and tunnels would not deter enterprising persons from digging around the head of almost any of the minor streams in this section and cutting off the water supply. A third party might dig above these ditches and cut off the water from them in turn, and thus utter confusion would prevail. Some qualification of this rule must eventually be made. A desire to do so is manifested in the dissenting opinion of Justice McFarland in a recent case, in which he intimates that an interruption of percolating water should not be allowed, unless such interruption is the result of some ordinary use of the land, and not in pursuance of an intention to intercept the water.

I think there should be a wide distinction made between the case of percolating waters which constitute the source of a stream, and those which are merely spread out, and are lost in the sands. In regard to the source of the stream, it is held that if it consists of a defined stream it cannot be cut off even though it be underground. If the underground stream can be traced to the watercourse it cannot be diverted. Just what is a defined stream must be a difficult question. The size of the stream does not seem to be the test. At what point of minuteness does a stream cease to be a defined stream, though it be underground? This quality ought not in justice to have any weight in the problem. The injury to a man's rights would be the same where a thousand underground channels each carrying one hundredth of an inch, and therefore to be dominated by a percolating water, were cut off as where a single stream of ten inches, which would be called "well defined," were diverted. And in most cases the general course and actual existence of the numerous small streams would be as well known to the parties and as easily established as that of the larger one. If the digging of a ditch collects a stream

of water, and diminishes a natural stream below, the fact of a direct connection should, as it seems to me, be considered as demonstrated, whether the intercepted streams be numerous and small, or few and large. But when percolating waters do not issue below in any stream, as where the stream sinks in the sands and does not again reappear, no such difficulties arise. In such a case there are no persons below whose rights are affected by a diversion of the waters, and the owner of the land should have the same right to the water as to the soil itself. In the present case the river ceases to run at Seventh street and does not rise at any point below. There is, therefore, no reason why the city should not have the absolute right to the water which it has collected, or, to use a favorite word among dealers in water rights in this part of the State, "developed," by means of these levees. This position is strengthened by the fact that the charter of 1850, and in every charter granted by the city since then, there has been a clause granting to the city "the right to develop, economize, use and utilize all waters flowing beneath the surface in the bed of said river at any point or points between its source and the southern boundary of the city."

As the city has the absolute right to this water it follows that the plaintiff has no right to demand that it shall continue to flow. If it had been allowed to flow down to the plaintiff's dam for a period of more than five years the plaintiff, according to some authorities, would be entitled to have it continue, but such is not the case here. Only about three years have elapsed since this artificial flow began. I find from the evidence that, from time immemorial, the city has claimed and exercised the right to control, use, divert and sell all the water of the river, to the exclusion of all others; that this has been done without interruption ever since the city and its predecessor, the pueblo, has existed on the ground that the water was necessary for the use of the city and its inhabitants, and that whenever, by reason of the natural fluctuation in amount of water in the river, or a variation in the amount used, there was a surplus, the city has sold the excess for use for the irrigation of lands outside of the city. These facts are sufficient to establish the title of the city to the use and control of all the waters of the river.

It is claimed that the cases of Los Angeles vs. Baldwin, Pelis vs. Los Angeles, and Elms vs. Los Angeles, reported in the decisions of the Supreme Court in 1881, 400, 28 Cal., 73 and 80, show that the use of water by the city has not been continuous, but was frequently interrupted by adverse claimants. Even if that were true in those cases it would not destroy the city's title. The use had been continuous for many years before those interruptions began, and the title of the city was then already complete. An interruption of the use after the prescriptive title is complete does not defeat the title.

But the oral evidence in this case shows that the use of the water by the parties claiming in those cases was not adverse, but was made by permission from the city, and I am very much inclined to believe that this is true. A permissive use is not an interruption. The case of Los Angeles vs. Baldwin, though decided against the city, is of no force as an adjudication. Justice Rhodes, evidently foreseeing that such a claim would be made, took occasion, in his concurring opinion in that case to say that the decision "would bind neither the city nor any other person with whom the city may have controversies concerning the right to use the waters of the river."

The case of Lex vs. Haggin has also been cited as a decision upon the rights of the city to the waters of the river. The matter is discussed in the opinion, but I do not consider it as authority on the subject. The city was not a party to the action, nor was the question of the water of the Los Angeles River, nor of pueblo rights, in issue in the case. The case involved only the right to the waters of Kern River, and what was there said in regard to Los Angeles was said merely by way of illustration and argument, and was not intended to control the rights of this city.

The evidence shows, however, that while the city has always claimed and controlled this water, yet there has been usually more water in the river than has been actually required for the use of the city and its inhabitants up to the present time, and that the city has claimed the right and power to own the water because it will be required in the future, when, by reason of the growth of the city, the necessities will be greater, and in the mean time it has claimed and exercised the right to sell the surplus to irrigate outside lands. This raises the question whether the city has the right to acquire any water supply beyond its present needs and the power to sell it for use on outside lands during the time when it is not required in the city. I think the city has both the right to acquire such a water supply and the power to sell the temporary surplus. It may be conceded that in an action by a party who was entitled to make the inquiry it might be determined that the city did not possess the power to require a water right for the city, and that the city was not entitled to water for use for the irrigation of outside lands. That would be in the nature of a commercial enterprise not within the scope of the purposes for which a city is created. But it must be admitted that the city has always had the power to acquire and own a water supply for the purpose of furnishing its inhabitants with water for all uses, and for the purposes of carrying on a sewer system and fire department. Each charter has contained an express grant of such power. The amount necessary for these purposes is not a fixed quantity, and cannot be exactly determined. A very necessity of always having enough for any emergency requires the supply to be greater than any probable demand. Nor is the amount which the city has the capacity to acquire and to use measured by present needs alone. It has the power, and it is its duty, to provide for future growth, and to that end, to acquire any amount of water which upon any reasonable expectation may be deemed necessary to supply future demands. There is no evidence to justify the conclusion that the amount of water usually running in the river is unreasonably large, in view of the present size of the city and probable necessities in the immediate future. It is contrary to it is not improbable that the supply may shortly prove inadequate, and that means will have to be used to collect additional water from beneath the river bed. But the question is one which this plaintiff has no right to ask. "Whether a municipal corporation has the power to purchase and hold property for certain purposes, has acquired and is holding such property for other purposes, is a question which can only be determined in a proceeding instituted at the instance of the State." Having acquired such a supply of water, it certainly cannot be contended that the city has no power to sell the portion that is not necessary for present use, but must allow it to run to waste, to be scrambled for like a handful of pennies cast among a crowd of boys.

Each city charter has expressly declared that the city has power to sell or otherwise dispose of any of its property. Independently of this express power it is a settled principle that municipal corporations possess the incidental or implied right to alienate or dispose of their property, real or personal, of the corporation or a private nature. And a person has no right to question the legality of the sale, if it is determined in a proceeding instituted at the instance of the State. Having acquired such a supply of water, it certainly cannot be contended that the city has no power to sell the portion that is not necessary for present use, but must allow it to run to waste, to be scrambled for like a handful of pennies cast among a crowd of boys.

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artificial water course are not the same as on a natural stream. It is said that "one who originates an artificial stream cannot be said to be giving it to one lower proprietor more than another; each may take and use what passes through his land, and the proprietor of the land below has no right to any part of that water until it has reached his own land. He has no right to compel the owner of the land above to divert the water to flow through his land for his benefit, and consequently, he has no right of action if they refuse to do so." These principles seem to be founded on sound reason, and the case has been always followed as authority. The result is that Ames, being the upper proprietor, has the right to divert all the water of this stream, if he chooses. But a different rule prevails where, as is sometimes the case, the natural flow also carries these lands and the stream is composed of the mingled waters of both. In such a case the entire stream is governed by the same rules, and the rights of riparian owners and appropriators are the same, as if the whole of it were the natural flow. This distinction is based on the important principle of distinguishing the water of one stream from another.

While neither of these parties have any right to compel the city to allow these waters to flow down to them, yet, if the city voluntarily does so, I think their respective rights to the water thus abandoned may be fixed by judicial decree. It has been suggested that the provisions of the Civil Code for the appropriation of running water have no application except to waters running in public lands, and that the State is free to reason why this should be so. No authority is cited to support it, and I do not think it should be so held. Existing rights cannot be divested by an appropriation, but it does not follow that it can only be made on public land. So long as the holder of a prior or better right does not complain, no other person has a right to take so much water as he chooses. Ames claimed 600 inches of water for use on the plaintiff's tract. He then took 100 inches at any one time more than one hundred inches, and he is, therefore, entitled to no more than he used. He has since then changed both the place of diversion and the place of use. This, it is held, he has a right to do. Each party is of course entitled to a reasonable use of the water as a riparian owner. Given the whole evidence I have concluded that when the streams are thus mingled the plaintiff, as riparian owner, is entitled to 100 inches twelve hours a day for twenty days out of forty for use on his land; that when there is more than enough for these lands Ames is, under his appropriation of April, 1891, entitled first to divert a constant stream of 100 inches, the plaintiff is next entitled to divert a constant stream of 500 inches under its appropriation of October, 1891, and Ames may then take the surplus, if there be any. Neither party is entitled to take water to run to waste, nor at all, except for some beneficial use. Findings and decree will be drawn according to the views herein set forth.

WEATHER AND CROPS.

The Regular Weekly Bulletin for Southern California.

Following is the regular bulletin of the Government Weather Bureau for Southern California for the week ending June 7:

The weather during the week did not differ materially from the conditions which have prevailed for some time past, the nights and mornings were cool, with quite heavy fogs that penetrated well into the interior. The cool, damp nights caused the temperature to range below the seasonal averages. A deficiency of 5° occurred at Los Angeles for the week, and San Diego reported a range of 11° below the weekly averages. By nighttime the fogs were dissipated by the sun's warming rays, and the middle of the days and mornings were clear, sunshiny and warm. Beans, corn and sugar beets derived benefit from the cool, damp nights, but the ripening of fruit and berries was very much retarded. Apples are in market and command good prices on account of the scarcity of the crop. Favorable reports continue concerning the peach crop. A good crop of peaches is anticipated, and the prospects for plums are fair. Detailed reports are as follows: Santa Barbara city—Prof. Hugh D. Van weather summary for May showed the mean temperature to be 59°; the highest, 83°; lowest, 46°; rainfall, .09 inches, and for the season, 26.84. There were 17 clear, 7 fair and 7 cloudy days.

Ventura county—Ventura: About three hundred and sixty thousand pounds of wool were raised in the county during the past season. Ojai: A load of honey, the first shipment of the season, was sent to San Francisco the past week. Colton: The bee-men are busy extracting honey, and the haymakers are all at work; the outlook is for a good crop. Colton: Beans are looking well; hay baling is in progress, but there is little demand for it; young calves are doing well. The green beans were set out during the week; night fogs prevailed.

Los Angeles county—Vernado: Barley has been all cut, and the crop is heavy; fruit-growers are busy thinning peaches, which will be an average crop; fogs were favorable to crops. Pasadena: Home-grown apricots, ripe and sweet, are now on the market. Duarte: The week was cool, with cloudy or foggy mornings, but the temperature was 80°; all fruits are growing finely; haying is over, and oranges are gone. Pomona: The apricot crop will be about the average; two to three orchards are expected to yield a good crop. The peach yield will be large; peaches not yet determined, the buds are about to open, and the green fruit is dropping some extent.

San Bernardino county—Chino: A few foggy mornings were helpful to growing seeds, which are in an unusually early stage. Peaches and apricots have set well, and the trees are well loaded with fruit. Highest temperature, 85°. Riverside county—Banning: The hay crop is nearly all cut; a large number of headers are at work in the grain fields, and a big crop of alfalfa is being shipped to the first arrivals of the season came in Thursday. Seven Palms watermelons are in market. Nineteen hundred and eighty-one carloads of oranges have been shipped up to June 1. Beaumont: Hay makers are busy finishing their work, and the threshing outfits are being put in readiness for early work. Moreno: The average yield of the 15,000 acres sown to grain will be fully one ton to the acre, or ten sacks of grain.

Orange county—Anaheim: The weather did not differ much from the previous week. Foggy nights and sunny days prevailed, with a cool sea breeze. Shipments of potatoes continue. The highest temperature was 85°. Orange: The vegetable shipments amounted to 30,000 pounds of cabbage and 300,000 pounds of potatoes.

Santa Ana: The walnut crop in Orange county this year will be good, though not as large as last year's. The salt water oranges have been shipped reported larger than ever before. Tustin: Citrus and walnut orchards received their first irrigation for the season. The average yield of the 15,000 acres sown to grain will be fully one ton to the acre, or ten sacks of grain.

San Diego county—Escondido: The apple crop in the valley is very short this season, and is easily disposed of at high prices. San Diego city: Harvesting is well over. Fruits are looking well, but cool weather has kept them back some. Berries are scarce, owing to continued cool, cloudy weather. The temperature was below the average for the week. A trace of rain fell on the 5th.

HEIR IN \$2000 BAIL.

Henry de Blum, who obtained a team and wagon under false pretenses from a Sausalito preacher, was examined in Justice Austin's court yesterday. He was held for the Superior Court and his bail fixed at \$1000.

FRAUDULENT DEEDS.

A Los Angeles Woman Swindled by San Francisco Sharpers.

The San Francisco Call of Wednesday says:

Another case of swindling by means of fraudulent deeds came to light yesterday. Several days ago Recorder Glynn received a package of deeds from Los Angeles county to be recorded in this city, as the property conveyed is located in San Francisco.

An examination of the deeds and the names of the parties soon convinced the Recorder that there was a game behind the deeds, and that somebody was being swindled. As the last person to whom the property was conveyed was a woman, the Recorder's view of the matter became strengthened.

The first deed purported to convey a piece of property 350x250 on the corner of X street and Seventeenth avenue, and was from R. H. Fletcher to George T. Harris. This document was executed on March 2, 1892, but was not acknowledged before a notary until December 5, 1892, nine

months after. In the deed the name of the grantee had been changed with chemicals. The second deed was a conveyance of the same property from George T. Fletcher to C. W. Hale, and was executed and acknowledged on January 18, 1893, in Los Angeles.

The third deed was a conveyance of two lots of the property from C. W. Hale to Mabel Lemos, on May 3.

Mrs. Lemos sent the deeds to this city to be recorded. On investigating the matter it was found at the Recorder's office that neither Fletcher nor Hale, nor Harris had any right, title or interest in the property, save what Fletcher obtained from the notorious Count F. von Bulboosbaske, who has been connected with many of these swindling schemes.

The Recorder communicated with Mrs. Lemos, and she immediately wrote back that she had investigated the matter in Los Angeles, and had discovered that she had been cheated. She asked the Recorder to return her deeds and the money she sent to have them recorded. The deeds, however, will be kept a few days to be used by the

police in their investigations. It is not known how much Mrs. Lemos was taken in for, as she did not state the amount in her letter.

Fletcher is the man who bought the Houston or Moore claim after Justice Field, in the United States Circuit Court, had stated from the bench that any man who claimed a title to property under the Moore claim ought to be hanged. The operations of the gang of swindlers seems to be extending. It is expected that more cases will be heard of in other parts of the State.

PARK COMMISSIONERS.

An Appropriation Made to Save the Trees in Elysian Park.

The Park Commission met yesterday morning, with all of the members of the board present except Mr. Messner.

Superintendent Legrand reported that the trees recently set out in Elysian Park would many of them die if not watered. The secretary was instructed to pre-

sent a communication to the Council asking for an appropriation of \$600, with which to afford relief.

On motion it was ordered that the payment of \$6 each Sunday toward the expense of the band concert at Westlake Park be discontinued.

It was ordered that the demand of the City Water Company for \$15 for May water for Prospect Park be refused. The superintendent was authorized to sell the shrubs in the possession of the department not needed for use.

The board then adjourned.

Found.

A package on the corner of Fourth and Spring streets worth its weight in gold to those troubled with dandruff or any skin disease, in the shape of Smith's Pomade, the only remedy on earth that a single bottle is guaranteed to cure any case of dandruff or money refunded. For sale only by Off & Vaughn, corner Fourth and Spring streets, Los Angeles.

FRESH LITERATURE.

POSEIDON'S PARADISE. The romance of Atlantis. By Elizabeth G. Birkmeyer. (San Francisco: The Glenside Publishing Company. For sale by Stoll & Thayer.)

The romance of the lost Atlantis—that vanished land of which the world has heard for centuries—has had its charm for the readers of all ages. Enchantment lingers in the mystery which envelops it, and the reader never tires of speculations regarding it.

The story contained in the volume before us is written by a California lady, and is well and eloquently told, picturing the life, the faith, the habits and customs of the supposed dwellers in the ancient Atlantis, and it contains many fine descriptive glimpses of that land of our dreams. Take the following opening paragraphs:

"It was thousands of years before the Christian era—how many thousands no chronicler has stated. And the island lay, as through the ages past, fair and imperial in the Atlantic.

"Midsummer was upon this Atlantis, upon the islands attendant that served as stepping-stones to the continents beyond. Under the soft sensuousness of the morn was taking richer glow, the streams brightening to gold, the gardens and vineyards glowing in green, the whitest hill and mountain gleaming in shadow and color, the palaces lustrous in their tri-colored stones, and the temple's sylvan gleaming red that rivaled the flashing orichalcum amidst the emerald verdure of the great island was a gorgeous mosaic, and its setting, sapphire, that royal stone emblematic of calm and truth, for the laving waters were as serene as blue."

The book will be read with pleasure by the many lovers of the romance, not only for its many fine descriptive passages, but for its charming rendering of "the old, old story."

Magazines.
The Century (New York) for the current month presents to its many readers a table of contents filled with an attractive variety, among which we note, "Caught on a Lee Shore—Pleasures and Perils of a Cruise on the Florida Coast," by Lieut. William Henn; "The Death of the Prince Imperial," Archibald Forbes; "The Father of Modern Illustration" (Vierge), August F. Jacquet; "College Athletics," Walter Camp; "Notable Women—Christina Rossetti," Edmund Woodhouse; "With Tolstoy in the Russian Famine," Jonas Stalling; "Beneath the Fog," W. W. Walcott; "Uncle Abner's Uncle Billy," William Henry Sheldon. The departments are well sustained, and will be found full of matters of varied interest.

Lippincott's (Philadelphia) for June is filled with interesting contributions. The leading novel of the month is "The Translation of a Savage," by Gilbert Parker. It is a well-told and not impossible story of the marriage of an aristocratic and wealthy Englishman to an Indian princess, and the adventures for the purpose of humbling his people. The story follows the young Indian bride through all the years of her transformation, as it takes place in the aristocratic home of her husband, where he sends her, unaccompanied by himself. The story is well told, and with a full share of romantic incident. It commends itself, also, that it is along a new line of fiction, instead of the old worn-out, beaten paths. The remaining contents of the magazine are of the highest quality, and the magazine is one of the best of its kind.

McClure's Magazine (New York) for June is the initial number of the new magazine for public sale, and while handsomely illustrated, and comparing favorably in typographical excellence with the magazines of the day, it is offered to the reading public at the low price of 15 cents per number. In its list of contributors appear many well-known names who stand high in the world of literature, among whom are those of W. D. Howells, H. H. Boyesen, Gilbert Parker, Sarah Orne Jewett, Mrs. Robert Louis Stevenson, Prof. Henry Drummond and others.

Future numbers will present a series of articles under the head of "The Edge of the Future," which will consist of a series of interviews and articles furnished by prominent scientists and men of noble enterprise. Those appearing in this number embrace interviews with Thomas A. Edison and Alexander Graham Bell, and give the reader a fair idea of the reliable character of the magazine. The magazine promises well, and we hope it will meet with the success it deserves.

A CHINESE ENCHANTRESS.
San Francisco Celestials Stirred Up Over a Los Angeles Beauty.

Some months ago a young Chinese woman made her debut on the stage here, and for a time all Chinatown was at her feet. It would seem from the following from the San Francisco Chronicle of Wednesday that she is popular in that city:

Chinese dukes are just now in a state of pleasurable excitement over the presence of the Lily Laney of Chinese theatrical circles, the result being that for the past three nights the Washington Street Theatre has been packed to the doors by the haughty Chinese society, who are willing and anxious to pay the price of admission, so doing they can catch a glimpse of the almondest star.

The actress in question, who is playing such havoc in the hearts of the Dupont-street maddens is Pong Kow, a seventeen-year-old maiden, who, in addition to her many charms of manner and person, has the distinction of being a native daughter of the Golden West.

Never before has a native-born Chinese woman appeared on the boards of a Chinese theater in this city. This fact added to the natural charms of the enchantress, has caused the staid merchants of Fish Alley to forget the Geary act, and each night they fight for places in the bald-headed row, where, surrounded by able-bodied odors, they smirk and smile the happy hours away, oblivious to everything save the divine presence.

Miss Kow made her debut more than a year ago in Los Angeles, and since that time has been a favorite of the highbinders and hatter men in that city. But her rare abilities needed a wider field, so her manager, rudely snatched her away from the scene of her maiden successes and brought her to this city, where the shower of wealth that is steadily pouring into his coffers gives him testimony to the soundness of his judgment.

LETTERS TO THE TIMES.

The Turnverein Hall Competition.

LOS ANGELES, June 7, 1893.—[To the Editor of the Times.] The publication of this reply by the Express was refused unless it be paid for.

Although being opposed to newspaper controversies and its attendant notoriety on general principles, yet I am forced to reply to an attack upon me entirely unprovoked and entirely unjust. The members of the Turnverein (being one myself) and the Building Committee in general, and Mr. Krempel and myself in particular, which appeared in Monday's issue of the Express, headed "The Turnverein Hall Competition," and signed "Architect."

The anonymous writer, who, no doubt, does not possess the manhood and courage to sign his name to his slanderous scribbles teeming with falsehoods, casts reflections upon the honor of the committee having this competition in charge, because, as he says, "in conversation with different members of the Turnverein enough was let fall to show that the situation was as it was, and not as it ought to be."

Now, it appears to me that the members of the Turnverein have as perfect a right to free speech and to express their likes and dislikes as any other citizens, even without the permission of this "Architect," but that the action of the Building Committee, composed of the best men in the community, should be influenced by anything except the merits of the hall, and the architect, and the writer of the scurrilous article shows plainly his monumental ignorance and malice; this so-called architect would have the people believe that he alone is the possessor of the fairness and justice, and that this Building Committee and the Turnverein are the difference between right and wrong.

What a pity that this great unwashed Michael Angelo did not enter the competition. Will the Turnverein survive this attack, or will it be a suitable building without any services, or go to pieces? That is the great question before us.

What a great architect and upholder of the profession says, "Had the Turnverein at once decided to grant Mr. Captain (through Mr. Krempel) the privilege of being the architect, and supervising architect," etc., he shows his utter ignorance of the situation.

I have been absent from the city nearly three months during which time Mr. Krempel, who has been with me over 15 years and the most faithful assistant I ever had, has been absent from the city, and with him I had absolutely nothing to do, he having expressed a desire before my departure to start in business for himself, naturally in consideration of his family, individual worth and ability, I will give him all the assistance at my command. I am convinced of the ability and integrity of the committee to award the prizes solely and singly upon the merits of the designs presented, irrespective of who may have furnished them.

FRANK J. CAPTAIN, Architect.
ALBANY.
LOS ANGELES, June 6.—[To the Editor of the Times.] It is to be hoped that the recent decision of the Supreme Court of the United States, by supporting and decreeing the enforcement of the Chinese Exclusion Act, the deportation of all Mongolians that have failed to register within the prescribed time, may prove a precedent for more rigid enforcement of the laws concerning laws concerning Europeans, and incite legislation tending to the positive exclusion of the ignorant and troublesome foreigners annually dumped upon the Atlantic seaboard, and in numbers far exceeding the total Chinese population of the country at the close of a quarter of a century.

Allowing that the coolie, singly and collectively, is objectionable in every way that is claimed, an honest and unprejudiced comparison with a similar class of European immigrants will, in many respects, favor the former. Industrious, moral and eminently peaceably disposed, they are content to labor for their bread, and have proven to be the least troublesome citizens of any that have settled upon American territory, notwithstanding that they have been the most abused.

Public opinion declares the coolie to be an objectionable element, and it is the decision of the American people that he must go. While the subject is still fresh in mind might it not be well to give more attention to the European immigrants, who are the cause of the most serious social and political evils in this country? From the slums of England and France, from Spain, from Italy, from the plague-infested lands of Russia and from Turkey, comes a steady stream of the most undesirable specimens of humanity to be found upon the globe. Pestilence, ignorance and vice accompany them. They are prolific breeders. Our jails, almshouses and insane asylums are crowded with them.

At the disembarking of an immigrant cargo, at any Atlantic seaport, one may often note more concentrated villainy and brutality than anywhere else in the world. The leaders of the Haymarket tragedy at Chicago and the Mafia affair at New Orleans. In our large Eastern cities there are certain well-defined localities in which the objectionable immigrant naturally gravitates. They are the hotbeds of vice and crime, and it is scarcely safe for a respectable citizen to pass through in daylight, while a visit to the same quarters at night would be tempting providence. The Chinese, on the other hand, with their filthy, ill-smelling, opium-smoking dens, has never in its history been the shameful, terror-inspiring element which the Five Points in New York in the early '60s. The former has never been a dangerous place through which to pass, if the intruder attended strictly to his own business, and did not meddle with the affairs of others, and always has been, mainly of male adults, hence few children have been within its precincts. The Five Points, on the other hand, was and still is the vortex into which was drawn the imported social scum and filth from every quarter of the globe.

It was a place to be shunned by day and scrupulously avoided at night. Police officers patrolled the streets, and children born within its precincts were predestined to be damned. Although much has been done to purge it, it is still a dump away, oblivious to everything save the divine presence.

Miss Kow made her debut more than a year ago in Los Angeles, and since that time has been a favorite of the highbinders and hatter men in that city. But her rare abilities needed a wider field, so her manager, rudely snatched her away from the scene of her maiden successes and brought her to this city, where the shower of wealth that is steadily pouring into his coffers gives him testimony to the soundness of his judgment.

pioneers of exceptional moral stamina and strength that have inspired the founders of the American Republic.

They were men and women who courageously and voluntarily severed political and religious connections with the mother country to start life anew in the colonies. The spirit that was thus evidenced of a great moral principle, which imbued the founders of America, compelling them to the final declaration and maintenance of their independence, is no longer a decisive characteristic of the immigrant class, and poverty and pauperism, not religious or political persecution, is the main incentive that now drives the foreigner to America. Hence, the large and undesirable element that comes, entertaining more or less vague and ill-defined ideas (that gold pieces, scattered promiscuously about, are to be secured by appropriation, peaceably or otherwise. The question of immigration has assumed serious proportions, and is one that will well warrant the attention of aspiring statesmen. The putative mental, moral and social gulf between the Mongolian on our side and a similar class of European on the other, is not entirely spanned by the sons of Italy. Possibly the popular vote of American-born citizens, if taken, would record a quasi decision of choice between the least of several evils confronting us, at the East and at the West.

EMILE STARR.
No. 229 North Broadway.

Mixed Melodies.

"Bang Out on the Night Air," We Salute You.

LOS ANGELES, June 5, 1893.—[To the Editor of the Times.] Will you kindly allow a veteran of the late war of the rebellion to correct a statement made by Gen. Horatio C. King, in an article specially contributed to THE TIMES, "Music of War Days." A somewhat feeble imitation of this incident has been produced, said to have been based upon an occurrence while the Union and Confederate armies confronted each other at Fredericksburg, the two camps being separated only by the narrow Rappahannock River. The story goes that a company of Union soldiers struck up the "Star Spangled Banner," and the Confederates responded with the "Bonnie Blue Flag," and alternately sang "America" and "Dixie."

The incident is not well authenticated, and I imagine the author drew as vividly from his imagination as the river. The author had a fiddle all out of his own head and had wood enough left to make another.

The above incident is correct with one or two exceptions. On the morning of May 1, 1863, about ten miles below Fredericksburg, the Union forces had succeeded in laying their pontoon bridge across the river in the face of a strong picket line, and immediately the infantry crossed over and succeeded in capturing the picket line. After which we threw up temporary works, when the Confederates made an unsuccessful attempt to dislodge us. It was the 2d of May that the above incident occurred, and it was the 2d of May that the "Star Spangled Banner" was sung out on the night air," and all differences were for the time forgotten.

JOSEPH H. CLARKSON,
Co. C, Thirtieth Regiment, New Jersey Vols.

Spirited Defense of Veterans.

SOLDIERS' HOME, June 7, 1893.—[To the Editor of the Times.] The old soldier has become the target for any and every blackguard who has any apiece vent against him. If he takes the tip too much and he comes patriotically elevated, he is denounced as a drunken old brute, fit only to be consigned to everlasting damnation. Santa Monica soldiers, in the Los Angeles Herald improve every opportunity to cast stones at him, but have nothing to say about their own drunken hoodlums who go blustering through the streets, and never refer to the Los Angeles contingent that comes down every Sunday for a free blow-out. It is not denied that the old soldier sometimes imbibes more than is necessary for his comfort, but is he the only one that indulges this appetite? Why single him out for special condemnation? His European comrades are not very strong, and when he violates the town's ordinances it seems to me he would not be difficult to handle. Go for your own drunken hoodlums, you pharisaical hypocrites, and give the old soldier a rest.

ONE OF THEM.

Mr. Inslinger on Bulwer-Lytton.

LOS ANGELES, June 6.—[To the Editor of the Times.] In the issue of the California Illustrated Magazine there is a very readable article entitled "Titles Won by the Pen," but it is certainly not very creditable to the author (who is given as Henry Lytton Earle Bulwer, the English of American origin, to make some very serious mistakes—for they can hardly be called "slips of the pen." The editor of the magazine, who is a very intelligent man, has been misled by the fact that in 1851, after his fame was firmly established by the "Mort d'Arthur," "Locksley Hall," and other works, he was then "appointed poet laureate." The fact is that there was no such appointment, and that the distinguished statesman and diplomatist, (first knighted and then ennobled by his sovereign), and the younger brother of the late Lord Lytton, the distinguished novelist who was also knighted and attained the higher honors of the peerage? Hear what Mr. Inslinger says: "Henry Bulwer, son of Gen. Bulwer, like Macaulay, when an undergraduate at Cambridge, won the chancellor's prize for an English poem. He was a member of Parliament, etc., etc., and was always a strong Whig. Having published 'Pelham,' or the Adventure of a Gentleman, 'Pelham,' 'The Last Days of Pompeii,' 'Rienzi,' and 'The Last Days of Pompeii,' he was, on the coronation of the Queen, created a baronet." etc., etc. All of which does not seem for one moment apply to Henry Bulwer, the diplomatist, but to his younger brother, Edward George Lytton Bulwer. Both were sons of Gen. Bulwer, and both were Whigs. The younger brother, Richard Bulwer-Lytton, son of Gen. Bulwer, was created a baronet in 1844, her son Edward (the novelist) succeeded, by her will, to the estates of Knob-

But what shall we say of a writer who treats of "titles won by the pen," and who is egregiously misled up to the late Henry Lytton Earle Bulwer, the distinguished statesman and diplomatist, (first knighted and then ennobled by his sovereign), and the younger brother of the late Lord Lytton, the distinguished novelist who was also knighted and attained the higher honors of the peerage? Hear what Mr. Inslinger says: "Henry Bulwer, son of Gen. Bulwer, like Macaulay, when an undergraduate at Cambridge, won the chancellor's prize for an English poem. He was a member of Parliament, etc., etc., and was always a strong Whig. Having published 'Pelham,' or the Adventure of a Gentleman, 'Pelham,' 'The Last Days of Pompeii,' 'Rienzi,' and 'The Last Days of Pompeii,' he was, on the coronation of the Queen, created a baronet." etc., etc. All of which does not seem for one moment apply to Henry Bulwer, the diplomatist, but to his younger brother, Edward George Lytton Bulwer. Both were sons of Gen. Bulwer, and both were Whigs. The younger brother, Richard Bulwer-Lytton, son of Gen. Bulwer, was created a baronet in 1844, her son Edward (the novelist) succeeded, by her will, to the estates of Knob-

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worth, and he (Edward) by royal license, exchanged the surname of Bulwer for Lytton. In 1860 Baron Lytton was elevated to the peerage. Mr. Inslinger (by the way, who is he, anyhow?) also would leave the reader to infer that the son of the novelist—once Viceroy of India and after-ward British Ambassador to France—the late Earl Lytton, was still living, when he has been dead these many months. The late Earl, when a young man, long ago, had written "Mort d'Arthur," the novel of "Queen Merleth," which was an attack to the British legation and resided at Washington more than forty years ago, when his uncle (Henry Bulwer) was English Minister Plenipotentiary to the United States.

You Never Saw a Full Moon.
[St. Louis Republic.]

Did you ever see a "full moon"? I know what your answer will be without waiting for it. It is this: Yes, and never except in the month of June. You old enough to pay attention to such phenomena. Yet I take the position that you are badly mistaken, and that the probability you have never in your life beheld the full face of your "silver sister world." By way of solution let me tell you what it takes to constitute a "full moon" in the exact sense of the term: A "full moon" occurs only when our oblique attendant is 180 degrees of longitude from the earth. This being the case, what we call the circular disk of the moon (full moon) lacks considerable of being an exact circle, being what astronomers term "in a state of gibbosity," and is never a "perfect disk" except exactly at the time when Luna is crossing the ecliptic, at which time she must necessarily be centrally eclipsed. On our present-day astronomy, in concluding an article of much merit on the same subject, says: "We therefore conclude that a full moon, and one having a perfect circle, has rarely, if ever, been seen."

EARLY MORNING

A healthful, comfortable life depends upon the morning meal—breakfast. Chocolate—rich, nourishing, delicious beverage. It is food and drink. It nourishes, fattens, sustains, tickles the palate—it is the best of all breakfast foods—good chocolate.

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